

Remarks/Arguments

35 U.S.C. §103

Claims 1-3, 8-10, and 15-17, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Manson et al. (U.S. Patent No. 6,543,051 B1), in view of Naidoo et al. (U.S. Patent No. 7,185,282 B1), in view of Crandall (U.S. Patent No. 5,995,553), hereinafter referred to as “Manson,” “Naidoo,” and “Crandall.”

It is respectfully asserted that none of Manson, Naidoo, or Crandall, alone or in combination, disclose the step of:

“providing an output if both of said first condition, wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold, and said second condition, wherein a broadcast test associated with said emergency alert function is passed, said broadcast test including detecting reception of a test signal that is broadcast on a scheduled periodic basis and determining whether said test signal includes a user selected location code associated with said emergency alert function, are detected,”

as described in currently amended claim 1.

Among the problems addressed by the present invention is the confusing nature of the setup processes for many emergency alert systems, such as those that may be present in television set top boxes. For instance, the task of selecting the channel frequency that provides the highest signal strength may introduce the possibility of error since the user is required to discriminate among multiple low-wattage signal strength transmissions. Moreover, a selected channel frequency may not provide all of the information that a user desires, such as information targeted to the user's geographic location. (Specification, page 1-2) Furthermore, NOAA is rapidly adding new transmitters, and may also change the channel frequencies used by certain existing transmitters. Thus, users may be provided with a false belief that they will receive alert information for certain geographical areas. (Specification, page 2)

To address this problem, the present application discloses a method by which determinations are made as to whether a) the signal strength on the channel frequency selected for receiving emergency alert signals exceeds a predetermined threshold sufficient to enable proper decoding of SAME data for a predetermined time, and b) whether a broadcast test has been received during a time interval during which a test was expected. According to an exemplary embodiment, an indicator is illuminated to indicate a “ready” state of the emergency alert function only if both conditions are met. (Specification, page 13, lines 7-21) More specifically, the application describes a method for controlling a television signal receiving apparatus having an emergency alert function, comprising steps of: detecting a first condition wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold; detecting a second condition wherein a broadcast test associated with said emergency alert function is passed, said broadcast test including detecting reception of a test signal that is broadcast on a scheduled periodic basis and determining whether said test signal includes a user selected location code associated with said emergency alert function, are detected; and providing an output if both of those conditions are detected.

Manson is concerned with the insertion of messages into the overall television distribution infrastructure, not with display of messages at a user’s television signal receiver or the setup or testing of such a function at the television signal receiver, as is the case with the present invention. Specifically, Manson teaches “a system for inputting conventional emergency alert messages into a digital subscriber television system. The method allows existing emergency alert equipment to interface with the digital system equipment in the headend of a digital subscriber television system. A unique identifier and the format of the digital emergency alert message allow the input of an emergency alert message and allow for a wide variety of optional data formats, system control options, and data storage options.” (Manson Abstract)

The Office Action relies upon Manson to teach “detecting a second condition wherein a broadcast test associated with said emergency function is passed” and references Manson Figure 4. (Office Action, pages 2-3). However, Figure 4 does not represent

detecting that a broadcast test is passed. Instead, FIG. 4 illustrates a method 400 for converting an emergency alert message received by a conventional EAR system into a digital emergency alert message for delivery to a digital subscriber television system.” (Manson, column 4, lines 47-50) The decisions in the flowchart of Figure 4 relate to the format of the message before broadcast, not to a test related to a received broadcast or its location codes. Manson is concerned with interfacing “existing emergency alert equipment to interface with the digital system equipment in the headend of a digital subscriber television system.” (Manson Abstract) Thus, Manson describes handling of an alert or test prior to broadcast, not a test of the signal after broadcast.

With regard to claim 2, the limitations of which have been added to claim 1, the Office Action asserts that “Manson discloses an apparatus, television signal receiver and the method of claim 1, wherein said broadcast test includes determining whether said test signal includes a user selected location code (column 5 lines 27-29) associated with said emergency alert function (Figure 4).” (Office Action, page 4) However, in the cited section, Manson only discloses that the message contains a field for storing a location code, not that a test is performed at a receiving device confirming that a code received in a test signal corresponds to a user selected location.

Furthermore, the Office Action admits that Manson fails to teach the use of “detecting a first condition wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold.” (Office Action, page 2) Thus, Manson fails to disclose, for at least the reasons described and as admitted in the Office Action, “providing an output if both of said first condition, wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold, and said second condition, wherein a broadcast test associated with said emergency alert function is passed, said broadcast test including detecting reception of a test signal that is broadcast on a scheduled periodic basis and determining whether said test signal includes a user selected location code associated with said emergency alert function, are detected,” as described in currently amended claim 1.

Naidoo also does not address the problem of setup difficulty of an emergency alert system, nor does it provide an indicator based on detection of signal strength and passage of a broadcast test. Instead, Naidoo teaches “an integrated home health system includes a television-based patient station, a first provider station for providing telemedicine or other healthcare services to a patient located at the patient station, a second provider station for providing caregiver services to the patient, a third provider station for providing emergency response services to the patient and a system management station coupled together by a data network. In addition to various management operations performed on behalf of the integrated home health system, the system management station is further configured to provide various home health services to the patient located at the patient station, either alone, or in conjunction with one or more of the first, second and/or third provider stations.” (Naidoo Abstract) Thus, Naidoo, like Manson, does not disclose, nor does the Office Action assert that it discloses, “providing an output if both of said first condition, wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold, and said second condition, wherein a broadcast test associated with said emergency alert function is passed, said broadcast test including detecting reception of a test signal that is broadcast on a scheduled periodic basis and determining whether said test signal includes a user selected location code associated with said emergency alert function, are detected,” as described in currently amended claim 1.

Likewise, Crandall also does not address the problem of setup difficulty of an emergency alert system, nor does it provide an indicator based on detection of signal strength and passage of a broadcast test. Instead, Crandall teaches “an encoder/decoder for an emergency alert system to enable broadcasters to receive, store, re-broadcast and originate emergency alert messages. Multiple emergency alert signals are received by the encoder/decoder. A digital signal processor of the encoder/decoder scans the reception of the multiple emergency alert messages to determine the presence of an incoming emergency alert signal. The digital signal processor provides digital implementation of a frequency shift key modulation and a frequency shift key demodulation to encode and decode emergency alert messages. Additionally, the digital signal processor functions as a central processing unit to control input/output ports over a digital signal processor bus for performing all encoding and decoding functions and to control all encoding and decoding

functions.” (Crandall Abstract) Thus, Crandall, like Naidoo and Manson, does not disclose, nor does the Office Action assert that it discloses, “providing an output if both of said first condition, wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold, and said second condition, wherein a broadcast test associated with said emergency alert function is passed, said broadcast test including detecting reception of a test signal that is broadcast on a scheduled periodic basis and determining whether said test signal includes a user selected location code associated with said emergency alert function, are detected,” as described in currently amended claim 1.

In view of the above remarks and amendments to the claims, it is respectfully submitted that there is no 35 USC 112 enabling disclosure provided by Manson, Naidoo, or Crandall, which makes the present invention as claimed in claim 1 unpatentable. It is further submitted that currently amended independent claims 8 and 15, are allowable for at least the same reasons that claim 1 is allowable. Furthermore, since dependent claims 3-7, 10-14, and 17-21 are dependent from independent claims 1, 8 and 15, which are allowable for the reasons described above, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Claims 4-7, 11-14, and 18-21, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Manson et al. (U.S. Patent No. 6,543,051 B1), in view of Naidoo et al. (U.S. Patent No. 7,185,282 B1), in view of Crandall (U.S. Patent No. 5,995,553), in view of Ganzer et al. (U.S. Patent No. 5,121,430), hereinafter referred to as Manson, Naidoo, Crandall, and Ganzer.

Since dependent claims 4-7, 11-14, and 18-21 are dependent from independent claims 1, 8 and 15, which are allowable for the reasons described above, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable.

Furthermore, Ganzer also does not address the problem of setup difficulty of an emergency alert system, nor does it provide an indicator based on detection of signal strength and passage of a broadcast test. Instead, Ganzer teaches that a “geographically specific emergency alert system includes a code generator unit in which geographic areas to be alerted and types of severity of alerts are selected and code strings generated to represent the affected areas and alert types selected. The code strings are broadcast by modulating the audio carrier of a television signal and received on receiver units positioned in areas within the broadcast market of a television station providing the alerting service. Location codes or entered into the receiver units by the users according to the areas in which the receiver units are used. When an alert is broadcast, each receiver unit decodes a location code string in the signal. If it matches that set on the receiver, an alert code string is decoded to activate a alarm devices connected to the receiver, such as an audible alarm generator, LED, etc., in accordance with the type or severity of alert that was broadcast.” (Ganzer Abstract) Thus, Ganzer, like Naidoo, Crandall, and Manson, does not disclose, nor does the Office Action assert that it discloses, “providing an output if both of said first condition, wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold, and said second condition, wherein a broadcast test associated with said emergency alert function is passed, said broadcast test including detecting reception of a test signal that is broadcast on a scheduled periodic basis and determining whether said test signal includes a user selected location code associated with said emergency alert function, are detected,” as described in currently amended claim 1.

In view of the above remarks and amendments to the claims, it is respectfully submitted that there is no 35 USC 112 enabling disclosure provided by Manson, Naidoo, Crandall, or Ganzer, which makes the present invention as claimed in 4-7, 11-14, and 18-21 unpatentable. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner’s rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the

Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's representative at (609) 734-6804, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,

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